



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Peter JUNGBLUT et al.
Title: IDENTIFICATION OF SPECIFIC
DIFFERENTIALLY EXPRESSED
MYCOBACTERIAL ANTIGENS
Appl. No.: 09/890,339
Filing Date: 03/12/2002
Examiner: Rodney P. Swartz
Art Unit: 1645

**NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD
OF PATENT APPEALS AND INTERFERENCES**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner in the Final Office Action dated March 1, 2005, finally rejecting Claims 44, 45 and 48-68.

[X] Applicant claims small entity status.

[] Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

[X] Notice of Appeal Fee

[X] To be paid as detailed below

[] Not required (Fee paid in prior appeal)

06/02/2005 SZEWDIE1 00000030 09890339
01 FC:2401 250.00 0P

The required fees are calculated below:

<input checked="" type="checkbox"/>	Notice of Appeal Fee	\$500.00
<input type="checkbox"/>	Extension month:	\$0.00
<input type="checkbox"/>	Extension:	\$0.00
	FEE TOTAL:	\$500.00
<input checked="" type="checkbox"/>	Small Entity Fees Apply (subtract ½ of above):	\$250.00
	TOTAL FEE:	\$250.00

Please charge Deposit Account No. 19-0741 in the amount of \$250.00. A duplicate copy of this transmittal is enclosed.

A check in the amount of \$250.00 is enclosed.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date June 1, 2005

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5483
Facsimile: (202) 672-5399

By Richard Peet

Richard C. Peet
Attorney for Applicant
Registration No. 35,792